accordance with 10 CFR 1004.11 and shall solicit comments, data and information on whether the Petition should be granted. The Department shall also make available for inspection and copying the Petition's supporting documentation from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11. Any person submitting written comments to DOE with respect to a Petition shall also send a copy of such comments to the petitioner.

(c) *Responsive statement by the petitioner.* A petitioner may, within 10 working days of receipt of a copy of any comments submitted in accordance with paragraph (b) of this section, respond to such comments in a written statement submitted to the Assistant Secretary for Energy Efficiency and Renewable Energy. A petitioner may address more than one set of comments in a single responsive statement.

(d) *Public announcement of interim determination and solicitation of comments.* The Assistant Secretary for Energy Efficiency and Renewable Energy shall issue an interim determination on the Petition as soon as is practicable following receipt and review of the Petition and other applicable documents, including, but not limited to, comments and responses to comments. The petitioner shall be notified in writing of the interim determination. DOE shall also publish in the FEDERAL REGISTER the interim determination and shall solicit comments, data and information with respect to that interim determination. Written comments and responsive statements may be submitted as provided in paragraphs (b) and (c) of this section.

(e) *Public announcement of final determination.* The Assistant Secretary for Energy Efficiency and Renewable Energy shall as soon as practicable, following receipt and review of comments and responsive statements on the interim determination, publish in the FEDERAL REGISTER a notice of final determination on the Petition.

(f) *Additional information.* The Department may, at any time during the recognition process, request additional relevant information or conduct an investigation concerning the Petition. The Department's determination on a Petition may be based solely on the Petition and supporting documents, or may also be based on such additional information as the Department deems appropriate.

(g) *Withdrawal of recognition*—(1) *Withdrawal by the Department.* If the Department believes that an accreditation body or certification program that has been recognized under §§ 431.19 or 431.20, respectively, is failing to meet the criteria of paragraph (b) of the section under which it is recognized, the Department will so advise such entity and request that it take appropriate corrective action. The Department will give the entity an opportunity to respond. If after receiving such response, or no response, the Department believes satisfactory correction has not been made, the Department will withdraw its recognition from that entity.

(2) *Voluntary withdrawal.* An accreditation body or certification program may withdraw itself from recognition by the Department by advising the Department in writing of such withdrawal. It must also advise those that use it (for an accreditation body, the testing laboratories, and for a certification organization, the manufacturers) of such withdrawal.

(3) *Notice of withdrawal of recognition.* The Department will publish in the FEDERAL REGISTER a notice of any withdrawal of recognition that occurs pursuant to this paragraph.

ENERGY CONSERVATION STANDARDS

§ 431.25 Energy conservation standards and effective dates.

(a) Except as provided for fire pump electric motors in paragraph (b) of this section, each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, including a NEMA Design B or an equivalent IEC Design N motor that is a general purpose electric motor (subtype I), manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full-load efficiency that is not less than the following:

TABLE 1—NOMINAL FULL-LOAD EFFICIENCIES OF GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I), EXCEPT FIRE PUMP ELECTRIC MOTORS

Motor horsepower/standard kilowatt equivalent	Nominal full-load efficiency					
	Open motors (number of poles)			Enclosed motors (number of poles)		
	6	4	2	6	4	2
1/.75	82.5	85.5	77.0	82.5	85.5	77.0
1.5/1.1	86.5	86.5	84.0	87.5	86.5	84.0
2/1.5	87.5	86.5	85.5	88.5	86.5	85.5
3/2.2	88.5	89.5	85.5	89.5	89.5	86.5
5/3.7	89.5	89.5	86.5	89.5	89.5	88.5
7.5/5.5	90.2	91.0	88.5	91.0	91.7	89.5
10/7.5	91.7	91.7	89.5	91.0	91.7	90.2
15/11	91.7	93.0	90.2	91.7	92.4	91.0
20/15	92.4	93.0	91.0	91.7	93.0	91.0
25/18.5	93.0	93.6	91.7	93.0	93.6	91.7
30/22	93.6	94.1	91.7	93.0	93.6	91.7
40/30	94.1	94.1	92.4	94.1	94.1	92.4
50/37	94.1	94.5	93.0	94.1	94.5	93.0
60/45	94.5	95.0	93.6	94.5	95.0	93.6
75/55	94.5	95.0	93.6	94.5	95.4	93.6
100/75	95.0	95.4	93.6	95.0	95.4	94.1
125/90	95.0	95.4	94.1	95.0	95.4	95.0
150/110	95.4	95.8	94.1	95.8	95.8	95.0
200/150	95.4	95.8	95.0	95.8	96.2	95.4

(b) Each fire pump electric motor that is a general purpose electric motor (subtype I) or general purpose electric motor (subtype II) manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full-load efficiency that is not less than the following:

TABLE 2—NOMINAL FULL-LOAD EFFICIENCIES OF FIRE PUMP ELECTRIC MOTORS

Motor horsepower/standard kilowatt equivalent	Nominal full-load efficiency							
	Open motors (number of poles)				Enclosed motors (number of poles)			
	8	6	4	2	8	6	4	2
1/.75	74.0	80.0	82.5	.....	74.0	80.0	82.5	75.5
1.5/1.1	75.5	84.0	84.0	82.5	77.0	85.5	84.0	82.5
2/1.5	85.5	85.5	84.0	84.0	82.5	86.5	84.0	84.0
3/2.2	86.5	86.5	86.5	84.0	84.0	87.5	87.5	85.5
5/3.7	87.5	87.5	87.5	85.5	85.5	87.5	87.5	87.5
7.5/5.5	88.5	88.5	88.5	87.5	85.5	89.5	89.5	88.5
10/7.5	89.5	90.2	89.5	88.5	88.5	89.5	89.5	89.5
15/11	89.5	90.2	91.0	89.5	88.5	90.2	91.0	90.2
20/15	90.2	91.0	91.0	90.2	89.5	90.2	91.0	90.2
25/18.5	90.2	91.7	91.7	91.0	89.5	91.7	92.4	91.0
30/22	91.0	92.4	92.4	91.0	91.0	91.7	92.4	91.0
40/30	91.0	93.0	93.0	91.7	91.0	93.0	93.0	91.7
50/37	91.7	93.0	93.0	92.4	91.7	93.0	93.0	92.4
60/45	92.4	93.6	93.6	93.0	91.7	93.6	93.6	93.0
75/55	93.6	93.6	94.1	93.0	93.0	93.6	94.1	93.0
100/75	93.6	94.1	94.1	93.0	93.0	94.1	94.5	93.6
125/90	93.6	94.1	94.5	93.6	93.6	94.1	94.5	94.5
150/110	93.6	94.5	95.0	93.6	93.6	95.0	95.0	94.5
200/150	93.6	94.5	95.0	94.5	94.1	95.0	95.0	95.0
250/186	94.5	95.4	95.4	94.5	94.5	95.0	95.0	95.4
300/224	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
350/261	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
400/298	.....	.....	95.4	95.4	.....	.....	95.4	95.4
450/336	.....	.....	95.8	95.8	.....	.....	95.4	95.4
500/373	.....	.....	95.8	95.8	.....	.....	95.8	95.4

(c) Except as provided for fire pump electric motors in paragraph (b) of this section, each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, including a NEMA Design B or an equivalent IEC Design N motor that is a general purpose electric motor (subtype II), manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full-load efficiency that is not less than the following:

TABLE 3—NOMINAL FULL-LOAD EFFICIENCIES OF GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II), EXCEPT FIRE PUMP ELECTRIC MOTORS

Motor horsepower/ standard kilowatt equivalent	Nominal full-load efficiency							
	Open motors (number of poles)				Enclosed motors (number of poles)			
	8	6	4	2	8	6	4	2
1/.75	74.0	80.0	82.5	.....	74.0	80.0	82.5	75.5
1.5/1.1	75.5	84.0	84.0	82.5	77.0	85.5	84.0	82.5
2/1.5	85.5	85.5	84.0	84.0	82.5	86.5	84.0	84.0
3/2.2	86.5	86.5	86.5	84.0	84.0	87.5	87.5	85.5
5/3.7	87.5	87.5	87.5	85.5	85.5	87.5	87.5	87.5
7.5/5.5	88.5	88.5	88.5	87.5	85.5	89.5	89.5	88.5
10/7.5	89.5	90.2	89.5	88.5	88.5	89.5	89.5	89.5
15/11	89.5	90.2	91.0	89.5	88.5	90.2	91.0	90.2
20/15	90.2	91.0	91.0	90.2	89.5	90.2	91.0	90.2
25/18.5	90.2	91.7	91.7	91.0	89.5	91.7	92.4	91.0
30/22	91.0	92.4	92.4	91.0	91.0	91.7	92.4	91.0
40/30	91.0	93.0	93.0	91.7	91.0	93.0	93.0	91.7
50/37	91.7	93.0	93.0	92.4	91.7	93.0	93.0	92.4
60/45	92.4	93.6	93.6	93.0	91.7	93.6	93.6	93.0
75/55	93.6	93.6	94.1	93.0	93.0	93.6	94.1	93.0
100/75	93.6	94.1	94.1	93.0	93.0	94.1	94.5	93.6
125/90	93.6	94.1	94.5	93.6	93.6	94.1	94.5	94.5
150/110	93.6	94.5	95.0	93.6	93.6	95.0	95.0	94.5
200/150	93.6	94.5	95.0	94.5	94.1	95.0	95.0	95.0

(d) Each NEMA Design B or an equivalent IEC Design N motor that is a general purpose electric motor (subtype I) or general purpose electric motor (subtype II), excluding fire pump electric motors, with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full-load efficiency that is not less than the following:

TABLE 4—NOMINAL FULL-LOAD EFFICIENCIES OF NEMA DESIGN B GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I AND II), EXCEPT FIRE PUMP ELECTRIC MOTORS

Motor horsepower/ standard kilowatt equivalent	Nominal full-load efficiency							
	Open motors (number of poles)				Enclosed motors (number of poles)			
	8	6	4	2	8	6	4	2
250/186	94.5	95.4	95.4	94.5	94.5	95.0	95.0	95.4
300/224	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
350/261	.....	95.4	95.4	95.0	.....	95.0	95.4	95.4
400/298	.....	.....	95.4	95.4	.....	.....	95.4	95.4
450/336	.....	.....	95.8	95.8	.....	.....	95.4	95.4
500/373	.....	.....	95.8	95.8	.....	.....	95.8	95.4

(e) For purposes of determining the required minimum nominal full-load efficiency of an electric motor that has a horsepower or kilowatt rating between two horsepower or two kilowatt ratings listed in any table of energy conservation standards in paragraphs (a) through (d) of this section, each

such motor shall be deemed to have a listed horsepower or kilowatt rating, determined as follows:

(1) A horsepower at or above the midpoint between the two consecutive horsepowers shall be rounded up to the higher of the two horsepowers;

(2) A horsepower below the midpoint between the two consecutive horsepowers shall be rounded down to the lower of the two horsepowers; or

(3) A kilowatt rating shall be directly converted from kilowatts to horsepower using the formula 1 kilowatt = (1⁄.746) horsepower. The conversion should be calculated to three significant decimal places, and the resulting horsepower shall be rounded in accordance with paragraph (e)(1) or (e)(2) of this section, whichever applies.

(f) This section does not apply to definite purpose motors, special purpose motors, or those motors exempted by the Secretary.

[77 FR 26635, May 4, 2012]

§ 431.26 Preemption of State regulations.

Any State regulation providing for any energy conservation standard, or other requirement with respect to the energy efficiency or energy use, of an electric motor that is not identical to a Federal standard in effect under this subpart is preempted by that standard, except as provided for in Section 345(a) and 327(b) and (c) of the Act.

LABELING

§ 431.31 Labeling requirements.

(a) *Electric motor nameplate*—(1) *Required information.* The permanent nameplate of an electric motor for which standards are prescribed in § 431.25 must be marked clearly with the following information:

(i) The motor's nominal full load efficiency (as of the date of manufacture), derived from the motor's average full load efficiency as determined pursuant to this subpart; and

(ii) A Compliance Certification number (''CC number'') supplied by DOE to the manufacturer or private labeler, pursuant to § 431.36(f), and applicable to that motor. Such CC number must be on the nameplate of a motor beginning 90 days after either:

(A) The manufacturer or private labeler has received the number upon submitting a Compliance Certification covering that motor, or

(B) The expiration of 21 days from DOE's receipt of a Compliance Certification covering that motor, if the manufacturer or private labeler has not been advised by DOE that the Compliance Certification fails to satisfy § 431.36.

(2) *Display of required information.* All orientation, spacing, type sizes, type faces, and line widths to display this required information shall be the same as or similar to the display of the other performance data on the motor's permanent nameplate. The nominal full-load efficiency shall be identified either by the term ''Nominal Efficiency'' or ''Nom. Eff.'' or by the terms specified in paragraph 12.58.2 of NEMA MG1–2009, (incorporated by reference, see § 431.15) as for example ''NEMA Nom. Eff. ____.'' The Compliance Certification number issued pursuant to § 431.36 shall be in the form ''CC ____.''

(3) *Optional display.* The permanent nameplate of an electric motor, a separate plate, or decalcomania, may be marked with the encircled lower case letters ''ee'', for example,

or with some comparable designation or logo, if the motor meets the applicable standard prescribed in § 431.25, as determined pursuant to this subpart, and is covered by a Compliance Certification that satisfies § 431.36.

(b) *Disclosure of efficiency information in marketing materials.* (1) The same information that must appear on an electric motor's permanent nameplate pursuant to paragraph (a)(1) of this section, shall be prominently displayed:

(i) On each page of a catalog that lists the motor; and

(ii) In other materials used to market the motor.

(2) The ''ee'' logo, or other similar logo or designations, may also be used in catalogs and other materials to the same extent they may be used on labels under paragraph (a)(3) of this section.

[69 FR 61923, Oct. 21, 2004, as amended at 77 FR 26637, May 4, 2012]